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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,919	10/21/2003	Andrew Charles Renshaw	116665	3905
25944	7590	11/09/2006		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				
			EXAMINER KNIGHT, DEREK DOUGLAS	
			ART UNIT 3681	PAPER NUMBER

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,919	Applicant(s) RENSHAW, ANDREW CHARLES	
	Examiner Derek D. Knight	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal (US 5,064,157) in view of Ueng (US 4,802, 751).

O'Neal discloses, as shown in figures 2-4, a cross brace clamp assembly for a handlebar comprising an elongate cross brace (12) having first and second ends, two clamps (22), one for clamping each end of the handlebar (14) at spaced apart locations, in which respect each clamp (22) comprises two clamp elements (30) adapted to be opposedly mounted, each clamp element having a facing surface, and formed with a recess having a part-circular cross-section (25), with at least one aperture (34), and at least one fastener (44) for each clamp that engages through the apertures in the opposing clamp elements of each clamp to clamp them securely to both the handlebar and the cross brace. With the respective handlebar locations received between the recesses of the part-circular cross-section of the opposedly mounted clamp elements of each clamp. O'Neal shows a motorcycle handlebar fitted with such a cross brace assembly.

O'Neal fails to teach the cross brace being formed at each end with a part-spherical knob, the clamps having separate elements formed with a part-spherical recess for reception of the cross brace knob, and the respective cross brace knob

received between the part-spherical recesses of the oppositely mounted clamp elements.

Ueng, as shown in figure 2, discloses a clamp assembly (16) consisting of two separate clamp elements (20) where both clamp halves form a spherical cavity (22) for retaining a spherical knob (31).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify O'Neal in view of Ueng such that the clamps have spherical recesses and the crossbar has spherical knob portions to allow for adjustability when positioning the mounts and crossbar (Ueng, col. 2, line 23).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal (US 5,064,157) in view of Ueng (US 4,802, 751), as applied to claims 1 and 3 above, and further in view of Saunders, IV (US 4,700,919).

O'Neal-Ueng, as discussed above, teaches fasteners being provided for each clamp for engagement through apertures in each apposing clamp element, thus clamping them to a mounting bar and securing their respective attachments. O'Neal-Ueng fails to teach the two apertures on the clamp elements positioned one on each side of the part spherical recess.

In figure 2, Saunders, IV, discloses an arm (18) with a ball (50) on its end that fits in a part-spherical socketed connector (24) with two holes (80) for fasteners that pass alongside the ball-receiving socket (70).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the clamps of O'Neal-Ueng by placing two apertures on

either side of the spherical recess in the clamp elements to receive fasteners in view of Saunders, IV. The modifications would allow for a greater and more evenly distributed clamping force on the knob portion of the cross brace to maintain a selected adjusted position (Saunders, IV, col. 2, line 40).

Response to Arguments

Applicant's arguments, see line 3 of the "Abstract of the Disclosure", filed 8/25/2006, with respect to the abstract have been fully considered and are persuasive. The objection of the abstract has been withdrawn.

Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 8/25/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references of Ueng and O'Neal, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the spherical recesses formed in the clamp halves and the spherical knob formed on the support assembly allow for adjustability (Ueng, col. 2, lines 23-24). The clamps disclosed by O'Neal do not allow for the same degree of freedom, therefore, to make

installation/ positioning of the cross brace easier one of ordinary skill in the art would combine the two references. One of ordinary skill in the art of clamps used for cross brace assemblies for motorcycles would look to art in which two sided clamps are used to mount objects in other vehicles.

Applicant argues, "the mirror assembly of Ueng and the cross brace assembly of O'Neal are nonanalogous art". It would be obvious to one of ordinary skill to look to both Ueng and O'Neal for a connection means. The clamps of both Ueng and O'Neal relate to the same field, connections for attachments to vehicles. The applicant's invention "allows the connection to be made securely yet without strain in any appropriate angular position," as stated in the remarks. The clamp (16) of Ueng clearly displays these same characteristics. Once the upper support assembly (18) is adjusted to a desired position the clamp halves (20) are assembled together by a screw (50) and a self-locking nut (52), and the spherical cavity (22) holds the part-spherical knob (31) (Ueng, col. 2, lines 34-37).

O'Neal discloses, a mounting bracket used to mount a cross brace to the handlebars of a bicycle, motorcycle, or other similar vehicle, as stated in the abstract. Applicant discloses a cross brace clamp assembly suitable for fitment onto handlebars of various shapes as described on page 4 of the specification. The cross brace assembly of O'Neal is in the same field of endeavor as the applicant's invention.

Applicant argues there is no suggestion to combine the references of O'Neal and Saunders, IV. The applicant states in their remarks, "one of ordinary skill in the art of cross brace assemblies for motorcycle handlebars would not look to an accessory

holder assembly of a motorcycle to address the issue of secure attachment of the cross brace,” however, Saunders states in his abstract that the position of the accessory would be “adjusted and maintained”, thus preventing it from moving or rotating as the applicant describes is the purpose of the brackets disclosed by O’Neal. Applicant states that once the clamps of O’Neal are fitted, “the cross brace remains tightly and securely clamped and further adjustment is not a requirement.” Both O’Neal and Saunders disclose the clamps being used to secure attachments to a motor vehicle, but achieve this in slightly different ways. With the fastener holes on either side of the attachment, Saunders’ method would allow for a more evenly distributed clamping force on the attachment, thus making it a more secure connection than O’Neal, this is ample motivation to combine the two references.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Facsimile Transmission

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek D. Knight whose telephone number is (571) 272-7951. The examiner can normally be reached on Mon - Thurs & every other Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DDK

Charles A. Marmorek 11/7/06
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SUPERVISORY PATENT EXAMINER
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